

REMARKS

Claims 1-23 are pending in the instant application. Claims 1-23 have been rejected by the Examiner. The Applicants submit that claims 1-23 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections.

Claim Rejections Under 35 USC § 102

Claims 1-23 have been rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 6,658,415 issued to Brown et al. (hereinafter “Brown”). The Applicants respectfully traverse the outstanding rejections for at least the reasons presented herein and submit that the claims as originally presented are in condition for allowance.

To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barent, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

The Applicants submit that claims 1, 11, and 21 are not anticipated by Brown because Brown does not teach or suggest each and every element recited therein.

Claims 1, 11, and 21 recite, *inter alia*, “gathering **available programming data** from a server;...**gathering program recommendation guides from third parties** and storing said program recommendation guides in a recommendation guide database; **presenting a user interface to a customer entity along with said program recommendation guides.**” These features are not disclosed or suggested by Brown as suggested by the Examiner.

Rather, Brown is directed to limiting access to content and items to users based upon an extensive authorization system (Abstract). The Examiner states that Applicants’ recited feature “a database of available programming data” is taught at column 9, lines 31-40; and further, that

“gathering available programming data from a server” may be found in Figure 6). The Applicants respectfully disagree. The items disclosed in column 9, lines 31-40 are clearly directed to setting preferences based upon criteria, such as budget, location, visual, and broadcast, and are not related to *programming data*. Moreover, the flow diagram described in Figure 6 is specifically directed to an authorization system for securing access based upon user profiles. The processes described in Figure 6 of Brown have no relevance to gathering available programming data as recited in Applicants’ claims 1, 11, and 21.

In addition, Brown does not teach or suggest the Applicants’ recited feature “gathering program recommendation guides from third parties.” Rather, the portion of Brown relied upon by the Examiner as allegedly teaching this feature, in fact, simply states that alternate types of data may be stored in data storage medium 82.” Brown is entirely devoid of teaching program recommendation guides are gathered from third parties.

For at least these reasons, the Applicants submit that claims 1, 11, and 21 are not anticipated by Brown. Claims 2-10 depend from what should be an allowable claim 1. Claims 12-20 depend from what should be an allowable claim 11. Claims 22 and 23 depend from what should be an allowable claim 21. For at least these reasons, the Applicants submit that claims 1-23 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

CONCLUSION

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the Applicants deem to be the invention, it is respectfully requested that claims 1-23 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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